IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 491 (S/S) of 2006

Satpal Singh,
Aged about 45 years,
Son of Sri Sri Ram,
Presently posted as Excise Inspector,
Nainital. **.....Petitioner**

Versus

1. Union of India through its Secretary, Personnel, Public Grievances and Pension, Government of India, New Delhi.
2. The State of Uttaranchal through Secretary, Excise Uttaranchal Shashan, Dehradun.
3. The State of Uttar Pradesh, through Secretary, Excise, U.P., Lucknow.
4. Commissioner, Excise, Uttar Pradesh, Allahabad.
5. Commissioner, Excise, Uttaranchal, Dehradun.
6. The State Advisory Committee, Government of Uttaranchal, Dehradun.

.....Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Subhash Upadhyay, learned counsel for the petitioner, Smt. Anjali, learned Standing Counsel for Union of India on behalf of respondent no. 1, Smt. Beena Pande, learned Standing Counsel for State of Uttaranchal, on behalf of respondents no. 3 and 4 and learned standing counsel for State of Uttaranchal on behalf of respondents no. 2, 5 and 6.

Learned counsel for both the parties are ready to dispose of the writ petition at its admission stage itself.

By means of this writ petition, the petitioner, who is working as Excise Inspector in the State of Uttaranchal, has prayed to issue a writ in the nature of Mandamus commanding the respondents Authority in the State of Uttaranchal to relieve the petitioner for State of U.P. in pursuance to order dated 11.12.2001 passed by Additional Commissioner, Reorganization, Uttaranchal. By the aforesaid order 29 persons of the department, who had opted for State of U.P., were relieved for State of U.P. The name of the petitioner find place at serial no. 07 in the aforesaid list. On 23.01.2003, a tentative final allocation list was published for State of Uttaranchal and the petitioner's name did not find place in that list. Meaning thereby, petitioner has been finally allocated to State of U.P. On 04.02.2006, Additional Commissioner, Excise, Uttaranchal has submitted a list of employees of department to be relieved for State of U.P. In this list the name of the petitioner find place at serial number 08.

The submission of learned counsel for the petitioner is that petitioner had opted for State of U.P. and has been included in the Tentative Final Allocation List for State of U.P. A person who is placed at serial no. 10, Sri Dharamendra Narayan has been relieved for State of U.P., however, the petitioner who is at serial no. 07 in the list has yet not been relieved. The State of Uttaranchal has adopted pick and choose policy to relieve the employees of the Department for State of U.P.

Learned counsel for the petitioner has further submitted that in the State of U.P. a final seniority list of the employees working as Excise Inspector has been prepared

on 10.02.2005 in which the name of the petitioner find place at serial no. 119 and the person who is at serial no. 134 in the seniority list has already got the promotion on 06.02.2006. Due to the inaction of the State of Uttaranchal petitioner has been deprived for being promoted and juniors to the petitioner have been promoted.

In view of the above facts and circumstances, I think it just and proper to direct the respondents authority State of Uttaranchal to relieve the petitioner for State of U.P. at the earliest as far as possible within a period of one month from the date of production of certified copy of this order.

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

April 04, 2006
SKSharma